

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No. 12874 of 2018
DATE OF DECISION :- March 27, 2018**

M/s Preet Agencies and another

...Petitioners

Versus

Punjab National Bank

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. K.K. Kahlon, Advocate for the petitioners.

This petition under Section 482 Cr.P.C. for quashing of complaint under Section 138 of Negotiable Instruments Act 1881 titled as Punjab National Bank versus M/s Preet Agencies and others pending in the Court of Chief Judicial Magistrate, Panchkula has been filed by petitioners M/s Preet Agencies and its partners Lakshay Kumar and Spares Kumar. They are basically aggrieved due to the reason that complainant-petitioner has taken possession of two properties given as collateral securities so as to sell of the same and put those on E-Auction for realisation of the dues of the bank payable by the petitioners and at the same time have filed criminal complaint under Section 138 of the Negotiable Instruments Act using the cheque which had been given to the bank as security only.

I am of view that there is no bar to the bank availing of such remedies simultaneously and filing of complaint under Section 138 of the

Negotiable Instruments Act by the complainant bank against the accused for dishonouring of the cheque as on account of insufficiency of funds cannot be termed as abuse of process of law. Further, a perusal of complaint and summoning order goes to show that it can certainly be not said that those do not disclose any offence under Section 138 of the Negotiable Instruments Act.

Therefore, there is no merit in the present petition, the same stands dismissed accordingly.

(H.S. MADAAN)
JUDGE

March 27, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No